Court No.3

Criminal Revision No. 110/2003

Tahir and two others …Revisionists.

Versus

Ist Addl. Sessions Judge Haridwar & others …Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Navneet Kaushik learned counsel for the revisionists and the learned A.G.A. and perused the impugned order.

The revision has been preferred against the order of framing the charge by the learned Sessions Judge. on considering of the documents and the evidence proposed to be adduced by the prosecution the learned Sessions Judge was of the opinion that prima facie cogent evidence was there to show that offence was committed under section 302/34 I.P.C. as well as section 307 I.P.C. and the order to this effect was passed on 16-7-2003. The contention of the accused-revisionists is that at the most in view of the allegations of the F.I.R. and the material a charge under section 304 I.P.C. could have been framed. Having considered the impugned order and the facts of the case as pointed out at the bar it is evidence that only on the basis of the evidence to be adduced in the trial an inference could be drawn as to whether the offence committed was culpable homicide not amounting to murder and at the stage of the framing of the charge the allegations of the F.I.R. as well as evidence collected during the investigation warranted that the charge of murder under section 302/34 I.P.C. need to be framed. The order thus passed by the learned Sessions Judge does not suffer from any impropriety and illegality.

There being no merit in this revision the same is dismissed.

(Irshad Hussain, J.)

Dated:2-9-2003

ISB